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(by and through the California Highway
9 *Patrol) and Sergio Flores*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

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14 **JACOB GREGOIRE,**

15 Plaintiff,

16 **v.**

17
18 **CALIFORNIA HIGHWAY**
PATROL, an agency of the State of
19 **California; SERGIO FLORES, and**
20 **DOES 1 to 20,**

21 Defendants.

Case No.: 14-cv-01749-GPC (DHB)

**JOINT MOTION BY PARTIES TO
EXTEND CERTAIN DISCOVERY
DEADLINES**

Date: Ex Parte
Time: Ex Parte
Courtroom: Tenth Floor (Annex)
Judge: The Honorable David H.
Bartick

22 Plaintiff Jacob Gregoire and Defendants State of California (California
23 Highway Patrol) and Sergio Flores (all by and through their attorneys of record)
24 jointly move the Court for extensions of the deadlines for completing fact
25 discovery, initial expert witness disclosures, rebuttal expert witness disclosures, and
26 expert discovery based on the following grounds:

1 (1) Whereas the noticed deposition of Defendant Sergio Flores for May 12,
2 2014, cannot take place because Mr. Flores will be on a pre-planned vacation out of
3 the county until the end of May and defense counsel has a conflicting mediation;

4 (2) Whereas Plaintiff has sought discovery of Officer Flores' personnel file
5 and CHP policy manual information requiring resolution of official information
6 privilege objections and privacy contentions that will require either Court resolution
7 or agreements on and entry of protective orders;

8 (3) Whereas Plaintiff seeks the documents identified in item 2 above prior to
9 taking the depositions of certain CHP officers in or about the second week of May;

10 (4) Whereas it is anticipated that all the work necessary to prepare privilege
11 logs, prepare a proposed stipulation for protective order, and (if an agreement
12 cannot be reached on the protective order) to seek formal court resolution of the
13 protective issues cannot be accomplished by that time;

14 (5) Whereas defense counsel will face the additional difficulty in the first two
15 weeks of May of having to work extra hours to organize files and materials for the
16 pending relocation of the entire San Diego Attorney General's Office to another
17 building (which will be occurring in phases between the second and third weeks of
18 May);

19 (6) Whereas Plaintiff has identified two psychiatry providers as experts to
20 testify about severe emotional distress damages in this action;

21 (7) Whereas Defendants recently received Plaintiff's psychiatry records and
22 need additional time to have their medical expert review these records;

23 (8) Whereas Defendants' medical expert will be out of the country from April
24 29, 2015, to May 28, 2015, and cannot work on this action during that period;

25 (9) Whereas Defendants intend to seek either a stipulation or court order to
26 allow their psychiatry expert to conduct an Independent Medical Examination
27 (IME) on Plaintiff to evaluate his claims of severe emotional distress;
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1 (10) Whereas it is anticipated that Defendants' medical expert cannot conduct
2 the IME until early June 2015;

3 (11) Whereas Defendants intend to depose Plaintiff but have not yet been able
4 to procure Plaintiff's employment records (which will be needed for his deposition)
5 due to delays caused by the Chula Vista Fire Department in responding to
6 Defendants' records subpoena (which was served on March 25, 2015);

7 (12) Whereas the current deadline for completing fact discovery is May 21,
8 2015 (Doc. 9, ¶ 5);

9 (13) Whereas the current deadline for completing expert witness discovery is
10 August 21, 2015 (Doc. 9, ¶ 5);

11 (14) Whereas the current deadline for initial expert witness disclosures under
12 Fed. R. Civ. P. 26(a)(2) is June 26, 2015 (Doc. 9, ¶ 4);

13 (15) Whereas the current deadline for rebuttal expert witness disclosures is
14 July 24, 2015 (Doc. 9, ¶ 4);

15 The parties stipulate to and jointly request the Court to change the
16 aforementioned deadlines to the following:

17 (1) The deadline to complete all discovery, other than expert witness
18 discovery, be continued to July 6, 2015.

19 (2) The deadline to complete expert discovery be continued to September 14,
20 2015.

21 (3) The deadline for initial expert witness disclosures under Fed. R. Civ. Proc.
22 26(a)(2) be continued to July 20, 2015.

23 (4) The deadline for rebuttal expert witness disclosures be continued to
24 August 20, 2015.

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1 Dated: April 28, 2015

Respectfully submitted,

2 CASEY GERRY SCHENK
3 FRANCAVILLA BLATT &
4 PENFIELD, LLP

5 s/THOMAS D. LUNEAU, ESQ.
6 THOMAS D. LUNEAU, ESQ.
7 *Attorneys for Plaintiff Jacob*
8 *Gregoire*

9 Dated: April 28, 2015

Respectfully submitted,

10 GILLEON LAW FIRM

11 s/DANIEL M. GILLEON, ESQ.
12 DANIEL M. GILLEON, ESQ.
13 *Attorneys for Plaintiff Jacob*
14 *Gregoire*

15 Dated: April 28, 2015

Respectfully submitted,

16 LAW OFFICE OF STEVE
17 HOFFMAN

18 s/STEPHEN E. HOFFMAN, ESQ.
19 STEPHEN E. HOFFMAN, ESQ.
20 *Attorneys for Plaintiff Jacob*
21 *Gregoire*

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1 Dated: April 28, 2015

Respectfully submitted,

2 KAMALA D. HARRIS
3 Attorney General of California
4 RICHARD F. WOLFE
5 Supervising Deputy Attorney General

6 s/DOUGLAS E. BAXTER
7 DOUGLAS E. BAXTER
8 Deputy Attorney General
9 *Attorneys for Defendants State of*
10 *California (by and through the*
11 *California Highway Patrol) and*
12 *Sergio Flores*

13 I, Douglas E. Baxter, by my signature above, affirm and certify that all other
14 signatories listed above, and on whose behalf this filing is submitted, concur in the
15 filing's content and have authorized the filing.
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